

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEMING SONG,

Plaintiff,

-against-

XAVIER BECERRA, Secretary, U.S. Dept.
Health and Human Services Agency,

Defendant.

23-CV-7484 (JGLC)

ORDER OF SERVICE

JESSICA G. L. CLARKE, United States District Judge:

Plaintiff, who is proceeding *pro se*, paid the filing fees to commence this action.

The Clerk of Court is directed to issue a summons as to Defendant Xavier Becerra, Secretary, U.S. Dept. Health, and Human Services Agency. Plaintiff is directed to serve the summons and complaint on Defendant within 90 days of the issuance of the summons.¹ If within those 90 days, Plaintiff has not either served Defendant or requested an extension of time to do so, the Court may dismiss the claims against Defendant under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

SO ORDERED.

Dated: October 3, 2023
New York, New York



JESSICA G. L. CLARKE
United States District Judge

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, the summons in this case was not issued when Plaintiff filed the complaint because he had not paid the filing fee. The Court therefore extends the time to serve until 90 days after the date the summons is issued.